FOOD STAMP PROGRAM
REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO: ☑ Policy/Regulation Interpretation ☐ QC ☐ Fair Hearing ☐ Immediate Need/Emergency Services ☐ Other:		5. DATE OF REQUEST: 10-26-2011	NEED RESPONSE BY: 11-14-2011	
		6. COUNTY/ORGANIZATION: San Luis Obispo County DSS		
		7. SUBJECT: Seasonal Farmworkers - Definition		
2. REQUESTOR NAME:		8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**		
3. PHONE NO.:				
4. REGULATION CITE(S): 63-102(s)				

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

In San Luis Obispo County we have a significant number of individuals who work in the fields. There is pretty much work all year round, but the field workers move between several employers based on which crops need to be harvested at which time.

I felt that this met the definition of a seasonal farmworker, as stated in regulation 63-102(s).

However, I have been told that sometime in the past (over 10 years ago) a question was sent to the State from our county regarding the definition of a seasonal farmworker. Evidently we were told that if there is fairly consistent field work year-round, that we should not consider the field workers "seasonal farmworkers."

I can not find any written record of this question and answer, so I am posing the question to you again.

10. REQUESTOR'S PROPOSED ANSWER:

Individuals who work in the fields, and move between employers based on which crops need to be harvested at which time, are considered "seasonal farmworkers" per CalFresh regulations, and are therefore change reporting households.

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE *(FSPIU USE ONLY)*:

Based on the information provided, the definition for a migrant and seasonal farm worker, as stated in MPP Section 63-102(m)(9) and (s)(1) still applies.

However, there was some discussion sometime last year where another county had brought the same issue to our attention. The current definitions for migrant and seasonal farmworkers no longer applies because a migrant farmworker doesn't always migrate anymore and a seasonal farmworker may work year round in some sort of season agricultural production activity. We had talked about making a change to both the definitions for "migrant/seasonal farm workers." My notes say that we were suppose to make the changes to the definitions in the regulations clean-up package. The regulation was to say "that a seasonal farm worker is a nonmigrating individual(s) who is employed in agricultural production activity throughout the entire year and during the certification period.

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY:	DATE FORWARDED TO STATE:

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If we have an individual who has only brief periods of time between field work jobs, should we or should we not consider them "seasonal farmworkers"? (And correspondingly, are they a change reporting or quarterly reporting household?)